

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     BRENDAN T. O'CONNOR

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

BRENDAN T. O'CONNOR

CASE NO: 5-22-01707-MJC

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on May 15, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 1307(c) of 11 U.S.C., due to material default by the debtor(s) with respect to the terms of the plan

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-14-05590-RNO	
Counsel: PHILIP W. STOCK, ESQUIRE	
Filing Date: 12/03/14	Date Dismissed: 08/26/15
Total Payments: \$1,225.00	Chapter: 13
Result: Dismissed due to unconfirmable plan	

---

Case Number: 5-16-02710-RNO	
Counsel: RANDALL W. TURANO, ESQUIRE	
Filing Date: 06/29/16	Date Dismissed: 11/25/16
Total Payments: \$0.00	Chapter: 13
Result: Dismissed for Material Default	

---

Case Number: 5-17-03752-JJT	
Counsel: KIM M DIDDIO ESQUIRE	
Filing Date: 09/12/17	Date Dismissed: 11/06/17
Total Payments: \$0.00	Chapter: 13
Result: Dismissed for failure to File Information	

---

Case Number: 5-18-03793-RNO  
Counsel: PHILIP W. STOCK, ESQUIRE

Filing Date: 09/11/18

Date Dismissed: 10/24/18

Total Payments: \$0.00

Chapter: 13

Result: Dismissed for Failure to File Information

---

Case Number: 5-19-03855-RNO

Counsel: PHILIP W. STOCK, ESQUIRE

Filing Date: 09/11/19

Date Dismissed: 11/12/19

Total Payments: \$0.00

Chapter: 13

Result: Dismissed Voluntarily

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of 5 prior Chapter 13 petitions within a 4-year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     BRENDAN T. O'CONNOR

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-22-01707-MJC

**NOTICE**

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, has filed a Motion to Dismiss with Prejudice for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion as indicated below. For any matter not resolved you **MUST** attend the hearing.

June 15, 2023 at 10:00 AM  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

You **MUST** attend the hearing unless the matter is settled by one of the following having taken place prior to the hearing.

1.     You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 9,771.00**  
**AMOUNT DUE FOR THIS MONTH: \$3,257.00**  
**TOTAL AMOUNT DUE BEFORE HEARING DATE: \$13,028.00**

**NOTE:**

**ALL payments must be made by CERTIFIED CHECK OR MONEY ORDER. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.**

**DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and may result in dismissal of your case.**

**Mail payments by U.S. First Class Mail to: JACK N. ZAHAROPOULOS, CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008**

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE  
BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND  
TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH  
PREJUDICE OF YOUR CASE.**

Dated: May 15, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:   BRENDAN T. O'CONNOR

CHAPTER 13

Debtor(s)

CASE NO: 5-22-01707-MJC

JACK N. ZAHAROPOULOS

CHAPTER 13 TRUSTEE

Movant

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 15, 2023, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

TULLIO DeLUCA, ESQUIRE  
381 N 9TH AVENUE  
SCRANTON PA 18504-

UNITED STATES TRUSTEE  
1501 N 6TH STREET  
PO BOX 302  
HARRISBURG, PA 17102

Served by First Class Mail

BRENDAN T. O'CONNOR  
3429 PARKER LN.  
E STROUDSBURG PA 18301

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 15, 2023

/s/ Matt Arcuri  
Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:   BRENDAN T. O'CONNOR

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS

CHAPTER 13 TRUSTEE

Movant

CASE NO: 5-22-01707-MJC

vs.

BRENDAN T. O'CONNOR

Respondent(s)

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.